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APPLICATION NO. 08/500,806	FILING DATE 01/13/96	FIRST NAMED INVENTOR CHIMER	ATTORNEY DOCKET NO. R5-1121
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34M2/0919

EXAMINER PRICE

ART. UNIT 3406	PAPER NUMBER 2
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89/19/97

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/588,866

Applicant(s)

SHEMIK ET AL

Examiner

CARL D. PRICE

Group Art Unit

3406



☐ Responsive to communication(s) filed on _____.

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been
☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____.

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 19 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Rex, Jr., et al.

Rex, Jr., et al discloses a method of forming a universal prefabricated molded combustion chamber made from molding a solution of alumina silicate fibers and a silica binder (see column 1, line 51-column 2, line 28) into the shape of a chamber. The molded material is then dried (column 2, line 40) and later fired (column 2, line 63) to form the finished chamber.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Scheppers in view of either French '269.

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Scheppers discloses the invention substantially as set forth I the claims with possible exception to 1) the use of grooved joints mechanically interconnect the panels 2) the manner of forming openings in the chamber walls and, 3) the use of reinforcing means attached to the panel corners.

Scheppers discloses a method of forming a universal prefabricated molded combustion chamber made from molding a solution of alumina silicate fibers and a silica binder (see column 3, lines 1-10) into the shape of a chamber or a plurality of panels which when assemble, with the aid of a cement or adhesive to form a combustion chamber (see column 3, lines 25-28). The molded or formed chamber is then to a "green" form (column 3, line 14) and later fired (see column 3, lines 26-28) to form the finished product. Scheppers discusses that "cutting or drilling or the like conventional suitable means" may be used to form orifices in the chamber for the purpose of accommodating the necessary burner means.

French '269 teaches, from the same modular fireplace field of endeavor as Scheppers, the use of sealed grooved joints to for joints between panels of a prefabricated combustion chamber. French '269 also discloses the use of metallic means (see figure 6; "agraffe") to reinforce the corners of the panels.

In regard to claims 1-19, for the purpose of providing a mechanical joint between the panels to increase the integrity thereof, it would have been obvious to one with ordinary skill in the art to modify the joints of Scheppers to include adhesively sealed grooves with corner reinforcing, in view of the teaching of French '269. Also, in regard to claims 3,4 and 5, for

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example, since forming holes by machining and punching are well known manufacturing methods for forming holes and since Scheppers acknowledges the use of "any conventional suitable means" for forming orifices in a chamber wall, it would have been obvious to one with ordinary skill in the art to select machining or punching as suitable steps in the method of manufacturing the combustion chamber of Scheppers. Finally, in regard to claims 8,12 and 15, for example, since the shape of the combustion chamber would depend on numerous design concerns such as the shape of a given fireplace, to form the side walls to be "flat" can be viewed as nothing more than a mere matter of choice in design absent the showing of any new or unexpected results produced therefrom over the prior art of record.

Conclusion


5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Netherlands '284, Fogerty, Germany '833, Germany '601, Shumock and Miedaneer et al all show panel type combustion chambers.

United Kingdom '783 discusses the use of ceramic fibers to form a combustion chamber.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to C. Price whose telephone number is (703) 308-1953.

C.P.
September 12, 1997


CARL D. PRICE
PRIMARY EXAMINER
GROUP 340